

INTERNET
FORM NLRB-508
(2-06)

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST LABOR ORGANIZATION
OR ITS AGENTS

FORM EXEMPT UNDER 44 U.S.C. 3512

DO NOT WRITE IN THIS SPACE

Case	Date Filed
29-CC-148227	3/13/2015

INSTRUCTIONS: File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. LABOR ORGANIZATION OR ITS AGENTS AGAINST WHICH CHARGE IS BROUGHT

a. Name SHEET METAL WORKERS INTERNATIONAL ASSOCIATION, LOCAL 28 500 Greenwich Street New York, NY 10013-1003	b. Union Representative to contact Bob DiCrio
c. Address (Street, city, state, and ZIP code) 500 Greenwich Street New York, NY 10013-1003	d. Tel. No. 212 941 7700 e. Cell No. f. Fax No. 212 226 0304 g. e-Mail

h. The above-named organization(s) or its agents has (have) engaged in and is (are) engaging in unfair labor practices within the meaning of section 8(b), subsection(s) (list subsections) (4)(i)&(ii)(A) and (B), (7) of the National Labor Relations Act, and these unfair labor practices are unfair practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

SEE ATTACHED

RECEIVED
MARCH 13 PM 3:37
PROCESSED
MARCH 13 PM 3:37

3. Name of Employer Multiple Employers	4a. Tel. No.	b. Cell No.
	c. Fax No.	d. e-Mail
5. Location of plant involved (street, city, state and ZIP code) 4209 28th Street Long Island City, New York 11101	6. Employer representative to contact Joseph Labuda, Esq. Ira D. Wincott, Esq.	
7. Type of establishment (factory, mine, wholesaler, etc.) Construction Site	8. Identify principal product or service Construction/Renovation	9. Number of workers employed
10. Full name of party filing charge J.M. Haley Corp. c/o Milman Labuda Law Group, PLLC	11a. Tel. No. 516-328-8899 c. Fax No. 516-328-0082	b. Cell No. d. e-Mail
11. Address of party filing charge (street, city, state and ZIP code.) 3000 Marcus Avenue, Lake Success, New York 11042		

12. DECLARATION

I declare that I have read the above charge and the statements therein are true to the best of my knowledge and belief.

By Ira D. Wincott, Esq./Attorney
(signature of representative or person making charge) (Print/type name and title or office, if any)

3000 Marcus Avenue
Address Lake Success, New York 11042 (date) 3/13/2015

Tel. No.
516-328-8899
Cell No.
Fax No.
516-328-0082
e-Mail

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT

Submission of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

ATTACHMENT

2.

Since on or about March 10, 2015 and continuing the above-named Union, by it's officers, representatives and agents, threatened, coerced, induced, encouraged and caused others and engaged in illegal secondary picketing by threatening to and picketing neutral employers at the premises 4209 28th Street, Long Island City, New York ("job site") in order to, and did, force neutral employers to stop doing business with J.M. Haley, by failing to picket at the designated "primary gate" established at the job site, in violation of the Act.

Since on or about March 10, 2015 and continuing the above-named Union, by it's officers, representatives and agents, engaged in illegal secondary picketing by threatening, coercing, inducing, encouraging and causing employees of neutral employers at the job site to strike, take part in a work stoppage and/or refuse to perform services in violation of the Act.

Since on or about March 10, 2015 and continuing the above-named Union, by it's officers, representatives and agents, has conducted unlawful and untruthful handbilling for the purpose of inducing individuals employed by persons other than J.M. Haley at the job site to strike, take part in a work stoppage and/or refuse to perform services in violation of the Act.

For a six (6) month period prior to the filing of the within charge, the above-named Union, who is not certified as the employees' representatives of the charging party, whose employees are represented by another labor union, by it's officers, representatives and agents unlawfully picketed and threatened to picket and/or untruthfully advised to the public, with the object of obtaining recognition by the charging party or acceptance by the charging parties employees as their representative and induced individuals employed by others at the job site to strike, take part in a work stoppage and/or refuse to perform services in violation of the Act.



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 29
TWO METRO TECH CENTER STE 5100
FL 5
BROOKLYN, NY 11201-3838

Agency Website: www.nlr.gov
Telephone: (718)330-7713
Fax: (718)330-7579



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SHEET METAL WORKERS INTERNATIONAL
ASSOCIATION, LOCAL UNION 28
500 Greenwich St Fl 5
New York, NY 10013-1354

March 16, 2015

Re: SHEET METAL WORKERS
INTERNATIONAL ASSOCIATION,
LOCAL 28
Case 29-CC-148227

Dear Sir or Madam:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Attorney EMILY CABRERA whose telephone number is (718)330-2149. If this Board agent is not available, you may contact Attorney NANCY K. REIBSTEIN whose telephone number is (718)330-2147.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, www.nlr.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be

considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

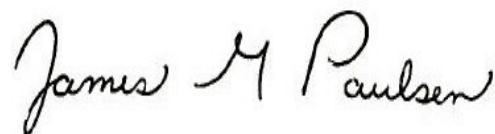
We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at any hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

Procedures: We strongly urge everyone to submit all documents and other materials (except unfair labor practice charges and representation petitions) by E-Filing (not e-mailing) through our website, www.nlr.gov. However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlr.gov or from an NLRB office upon your request. NLRB Form 4541 offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink that reads "James G. Paulsen". The signature is written in a cursive, flowing style.

JAMES G. PAULSEN
Regional Director

Enclosure: Copy of Charge

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

**SHEET METAL WORKERS INTERNATIONAL
ASSOCIATION, LOCAL 28**

Charged Party

and

J.M. HALEY CORP.

Charging Party

Case 29-CC-148227

AFFIDAVIT OF SERVICE OF CHARGE AGAINST LABOR ORGANIZATION

I, the undersigned employee of the National Labor Relations Board, state under oath that on March 16, 2015, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

SHEET METAL WORKERS
INTERNATIONAL ASSOCIATION,
LOCAL UNION 28
500 Greenwich St Fl 5
New York, NY 10013-1354

March 16, 2015

Date

Liz Montesclaros
, Designated Agent of NLRB

Name

Signature



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 29
TWO METRO TECH CENTER STE 5100
FL 5
BROOKLYN, NY 11201-3838

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Telephone: (718)330-7713
Fax: (718)330-7579



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J.M. HALEY CORP.
c/o Milman Labuda Law Group, PLLC
3000 Marcus Avenue
Lake Success, NY 11042

March 16, 2015

Re: SHEET METAL WORKERS
INTERNATIONAL ASSOCIATION,
LOCAL 28
Case 29-CC-148227

Dear Sir or Madam:

The charge that you filed in this case on March 13, 2015 has been docketed as case number 29-CC-148227. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

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If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

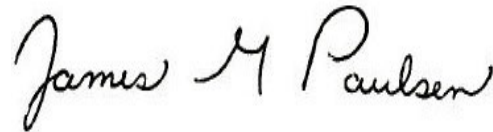
Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

Procedures: We strongly urge everyone to submit all documents and other materials (except unfair labor practice charges and representation petitions) by E-Filing (not e-mailing) through our website www.nlr.gov. However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

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We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink that reads "James G. Paulsen". The signature is written in a cursive, flowing style.

JAMES G. PAULSEN
Regional Director

cc: IRA WINCOTT, ESQ., ESQ
MILMAN LABUDA LAW GROUP
PLLC
3000 MARCUS AVE.,
STE 3W8
LAKE SUCCESS, NY 11042



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 29
TWO METRO TECH CENTER SUITE 5100
BROOKLYN, NY 11201-3838

Agency Website: www.nlrb.gov
Telephone: (718)330-7713
Fax: (718)330-7579

March 23, 2015

Sheet Metal Workers International Association,
Local Union 28
500 Greenwich St Fl 5
New York, NY 10013-1354

Re: Sheet Metal Workers International
Association, Local 28
Case 29-CC-148227

Dear Sir or Madam:

This is to advise you that I have approved the withdrawal of the charge in the above matter.

Very truly yours,

/S/

James G. Paulsen
Regional Director

cc: Ira Wincott, Esq.
Milman Labuda Law Group PLLC
3000 Marcus Avenue
Suite 3w8
Lake Success, NY 11042

J.M. Haley Corp
71 Sylvester St
Westbury, NY 11590-4910